

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SANJAY D. KOTHARI,

Plaintiff,

v.

SINGAPORE AIRLINES LTD.,

Defendant.
-----X

06 06 2084

Civil Action No.

FILED
NOTICE OF REMOVAL
U.S. DISTRICT COURT E.D.N.Y.

POLLAK, M.J. ★
MAY 4 2006
BROOKLYN OFFICE

Defendant SINGAPORE AIRLINES LTD. ("SINGAPORE"), by and through its attorneys, Condon & Forsyth LLP, hereby removes this civil action from the Civil Court of the City of New York, Queens County, Small Claims Part, to the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. §§ 1441 and 1331.

1. This action was commenced against SINGAPORE in the Civil Court of the City of New York, Queens County, Small Claims Part, by the filing of a Notice of Claim and Summons to Appear ("Notice of Claim") on or about March 31, 2006; SINGAPORE was served with the Notice of Claim on or about April 6, 2006. A copy of the Notice of Claim is annexed hereto as Exhibit "A." No further proceedings have been had in the action.

2. The Notice of Claim alleges that plaintiff seeks damages in amount \$5,000 "arising out of lost baggage" which allegedly occurred on January 30, 2006. Upon information and belief, plaintiff's claims arise from the alleged pilferage of the contents of his baggage transported from New York to Hong Kong on or about February 28 to March 7, 2006.

3. Based upon the allegations in the Notice of Claim, this Court has original jurisdiction over this action because of the existence of a federal question pursuant to 28 U.S.C. §

1331 and the action is one that may be removed pursuant to 28 U.S.C. § 1441.

4. Upon information and belief, the transportation out of which the subject matter of this action arose was "international carriage" within the meaning of a treaty of the United States known as the Convention for the Unification of Certain Rules Relating to International Transportation by Air, concluded at Montreal, Canada on May 18, 1999, reprinted in S. Treaty Doc. 106-45, CCH Av. L. Rep ¶ 27,400-59, 1999 WL 33292734 (1999) ("Montreal Convention") and the rights of the parties are governed exclusively by the provisions of said Montreal Convention. Accordingly, the underlying action may be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. § 1331 as the action arises under a treaty of the United States, the Montreal Convention.

5. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is filed in the United States District Court for the Eastern District of New York, which is the district in which the state court action is pending.

6. This Notice of Removal is timely filed with this Court, pursuant to 28 U.S.C. § 1446(b).

7. Defendant will file this date a copy of the Notice of Removal with the Clerk of the Civil Court of the City of New York, Queens County, Small Claims Part, as required by 28 U.S.C. § 1446(d).

WHEREFORE, defendant SINGAPORE AIRLINES LTD. prays that the above-entitled action now pending in the Civil Court of the City of New York, Queens County, Small Claims Part, be removed therefrom to this Court.

Dated: New York, New York
May 3, 2006

CONDON & FORSYTH LLP

By



Stephen J. Fearon
SF 8750

A Partner of the Firm
Times Square Tower
7 Times Square
New York, New York 10036
Attorneys for Defendant
SINGAPORE AIRLINES LIMITED

To: SANJAY D. KOTHARI
Plaintiff *Pro se*
104-40 Queens Boulevard, #21V
Forest Hills, New York 11375

Clerk of the Civil Court of the
City of New York
Small Claims Part
Index No. SCQ 1998/06
Queens County Courthouse
89-17 Sutphin Blvd.
Jamaica, New York 11435-3710



**CIVIL COURT OF THE CITY OF NEW YORK
SMALL CLAIMS PART**

89-17 SUTPHIN BLVD - RM 116
JAMAICA, NY 11435-3710

1. Article Addressed to:

SCQ 1998/06

SINGAPORE AIRLINES

TERMINAL 4, A CONCOURSE

ROOM#462-008

JFK INTERNATIONAL AIRPORT

JAMAICA, NY 11430-

2. Article Number

NOTICE TO DEFENDANT

NOTICE OF CLAIM and SUMMONS TO APPEAR

This is the start of a lawsuit against you. It should not be ignored. Your default may have serious consequences. YOU MUST BRING THIS NOTICE WITH YOU EACH TIME YOU APPEAR IN COURT ON THIS CASE.

SUMMONS TO APPEAR

This claim is scheduled for a Hearing to be held in the Courtroom:

89-17 SUTPHIN BLVD.

Jamaica, New York 11435-3710 (Room 101)

On Tuesday, May 16, 2006 at 5:30 PM

You, or someone authorized to represent you, must appear and present your defense at the Hearing. If you wish, you may retain the services of an attorney to represent you at your own expense. IF YOU FAIL TO APPEAR, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT. EVEN THOUGH YOU MAY HAVE A VALID DEFENSE. Only the Judge, presiding at the Hearing, can grant an adjournment. The Clerk cannot grant any change in the scheduled date or time.

DATED 03-31-2006

CHIEF CLERK JACK REER

CASE TYPE SMALL CLAIM

CLAIMANT

5/16

SANJAY D KOTHARI

104-40 Q. BLVD #210

FOREST HILLS, NY 11375-

INDEX NUMBER

SCQ 1998/06

DEFENDANT

SINGAPORE AIRLINES

TERMINAL 4, A CONCOURSE ROOM#462-008

JFK INTERNATIONAL AIRPORT

JAMAICA, NY 11430-

A Guide to Small Claims Court is available at the court listed above

ESTA INFORMACIÓN ESTÁ DISPONIBLE EN ESPAÑOL EN LA CORTE

NOTICE OF CLAIM

The Claimant asks Judgment in this court for \$5000.00 together with interest and disbursements, on the following claim:

ACTION TO RECOVER MONIES ARISING OUT OF LOST BAGGAGE DATE OF OCCURRENCE: 01-30-2006

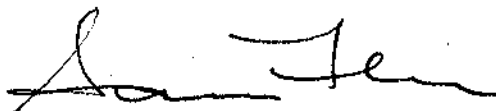
AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Samia Flecha, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides in Hackensack, New Jersey. That on the 4th day of May, 2006 deponent served the within NOTICE OF REMOVAL upon:

Sanjay D. Kothari
104-40 Queens Boulevard, #21V
Forest Hills, New York 11375

At the addresses designated by said attorneys for that purpose by depositing same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.



Samia Flecha

Sworn to before me this
4th day of May, 2006

Tina M. Zoccali
Notary Public

TINA M. ZOCCALI
Notary Public, State of New York
No. 01ZO6059025
Qualified in Rockland County
Commission Expires May 21, 20 07